

Appl. No. 10/547,721
Amdt. dated March 1, 2010
Reply to Office Action mailed September 1, 2009

REMARKS/ARGUMENTS

Claims 1-8 are pending. Claim 1 has been amended herein. Claims 7-17 and 26-28 have been cancelled without intending to abandon or to dedicate to the public any patentable subject matter. Claim 1 has been amended to recite a hydrated alkaline earth chloride electrolyte. Support for this amendment can be found at least in original claims 7 and 8.

Response to Restriction Requirement

In the Office Action mailed September 1, 2009, Claims 1-28 were made subject to restriction. The claims were restricted into four groups:

Group I (claims 1-8) drawn to a fuel cell;

Group II (claims 10-14) drawn to a regeneration cell;

Group III (claims 15-17 and claims 26-28) drawn to a method of producing hydrogen; and

Group IV (claims 18-25) drawn to a method of forming carbon dioxide.

Applicant previously made a provisional election of the Examiner's Group I, claims 1-8, on August 25, 2009. Applicants hereby affirm their election of the Examiner's Group I, claims 1-8, without traverse, while reserving the right to pursue the non-elected inventions in one or more divisional patent applications. By making this election, Applicants do not intend to abandon or to dedicate to the public any patentable subject matter.

Objection to the Specification

The Examiner has objected to the use of trademarks in the specification. Applicant have amended the specification to properly format the trademarks used and identify each of these marks as registered trademarks. Applicant submits that these amendments add no new matter to the disclosure.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected Claims 1-3, 5, and 7-8 under 35 U.S.C. § 102(b) as being anticipated by **Persavento** (U.S. Patent No. 6,200,697). Applicant has cancelled claims 7 and 8. Claim 1 has been amended to recite a fuel cell having an electroly containing at least one of hydrated magnesium chloride, hydrated calcium chloride, hydrated strontium chloride, and mixtures thereof.

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As noted by the Examiner, none of the cited references, including Persavento discloses the use of a hydrated alkaline earth chloride electrolyte. Therefore, Applicant submits that the pending claims, as amended are not anticipated by Persavento.

The Examiner has also rejected Claims 1-2, and 4-5 under 35 U.S.C. § 102(b) as being anticipated by **Tai** (U.S. Publication No. 2002/0015877). As noted above, Tai does not disclose the use of a hydrated alkaline earth chloride electrolyte. Therefore, Applicant submits that the pending claims, as amended are also not anticipated by Tai.

The Examiner has rejected Claims 1, 3, and 5-6 under 35 U.S.C. § 102(b) as being anticipated by **Cooper et al.** (U.S. Publication No. 2002/0106549). Similar to Persavento and Tai above, Cooper et al., does not disclose the use of a hydrated alkaline earth chloride electrolyte. Therefore, Applicant submits that the pending claims, as amended, are not anticipated by Tai.

In light of these amendments and comments, Applicants respectfully request the Examiner's rejection under 35 U.S.C. § 102(b) be withdrawn.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,
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